

HOUSE BILL 553

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HB 267/03 - APP

2004 Regular Session  
4r2017  
CF 4r2016

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By: **Delegates Howard, Vaughn, and Benson**  
Introduced and read first time: February 2, 2004  
Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt - Prince George's County - Friends of Pullen**  
3 **Performing Arts Center**

4 FOR the purpose of authorizing the creation of a State Debt not to exceed \$6,000,000,  
5 the proceeds to be used as a grant to the Board of Directors of Friends of Thomas  
6 G. Pullen K-8 Arts Magnet School, Inc. for certain development or improvement  
7 purposes; providing for disbursement of the loan proceeds, subject to a  
8 requirement that the grantee provide and expend a matching fund; establishing  
9 a deadline for the encumbrance or expenditure of the loan proceeds; and  
10 providing generally for the issuance and sale of bonds evidencing the loan.

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That:

13 (1) The Board of Public Works may borrow money and incur indebtedness on  
14 behalf of the State of Maryland through a State loan to be known as the Prince  
15 George's County - Friends of Pullen Performing Arts Center Loan of 2004 in a total  
16 principal amount equal to the lesser of (i) \$6,000,000 or (ii) the amount of the  
17 matching fund provided in accordance with Section 1(5) below. This loan shall be  
18 evidenced by the issuance, sale, and delivery of State general obligation bonds  
19 authorized by a resolution of the Board of Public Works and issued, sold, and  
20 delivered in accordance with §§ 8-117 through 8-124 of the State Finance and  
21 Procurement Article and Article 31, § 22 of the Code.

22 (2) The bonds to evidence this loan or installments of this loan may be sold as  
23 a single issue or may be consolidated and sold as part of a single issue of bonds under  
24 § 8-122 of the State Finance and Procurement Article.

25 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer  
26 and first shall be applied to the payment of the expenses of issuing, selling, and  
27 delivering the bonds, unless funds for this purpose are otherwise provided, and then  
28 shall be credited on the books of the Comptroller and expended, on approval by the  
29 Board of Public Works, for the following public purposes, including any applicable  
30 architects' and engineers' fees: as a grant to the Board of Directors of Friends of  
31 Thomas G. Pullen K-8 Arts Magnet School, Inc. (referred to hereafter in this Act as  
32 "the grantee") for the planning, design, construction, and capital equipping of the

1 Friends of Pullen Performing Arts Center, located at the Thomas G. Pullen K-8 Arts  
2 Magnet School, 700 Brightseat Road in Landover.

3 (4) An annual State tax is imposed on all assessable property in the State in  
4 rate and amount sufficient to pay the principal of and interest on the bonds, as and  
5 when due and until paid in full. The principal shall be discharged within 15 years  
6 after the date of issuance of the bonds.

7 (5) Prior to the payment of any funds under the provisions of this Act for the  
8 purposes set forth in Section 1(3) above, the grantee shall provide and expend a  
9 matching fund. No part of the grantee's matching fund may be provided, either  
10 directly or indirectly, from funds of the State, whether appropriated or  
11 unappropriated. No part of the fund may consist of real property or in kind  
12 contributions. The fund may consist of funds expended prior to the effective date of  
13 this Act. In case of any dispute as to the amount of the matching fund or what money  
14 or assets may qualify as matching funds, the Board of Public Works shall determine  
15 the matter and the Board's decision is final. The grantee has until June 1, 2006, to  
16 present evidence satisfactory to the Board of Public Works that a matching fund will  
17 be provided. If satisfactory evidence is presented, the Board shall certify this fact and  
18 the amount of the matching fund to the State Treasurer, and the proceeds of the loan  
19 equal to the amount of the matching fund shall be expended for the purposes provided  
20 in this Act. Any amount of the loan in excess of the amount of the matching fund  
21 certified by the Board of Public Works shall be canceled and be of no further effect.

22 (6) The proceeds of the loan must be expended or encumbered by the Board of  
23 Public Works for the purposes provided in this Act no later than June 1, 2011. If any  
24 funds authorized by this Act remain unexpended or unencumbered after June 1, 2011,  
25 the amount of the unencumbered or unexpended authorization shall be canceled and  
26 be of no further effect. If bonds have been issued for the loan, the amount of  
27 unexpended or unencumbered bond proceeds shall be disposed of as provided in §  
28 8-129 of the State Finance and Procurement Article.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 June 1, 2004.